

U.S. Patent Application Serial No. 09/406,798  
Amendment dated September 8, 2003  
Reply to Office Action of May 9, 2003

### **REMARKS**

Claims 1-18 are pending in the application.

Claim 1, 7 and 13 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicants regard as their invention. The applicants respectfully submit that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated May 9, 2003.

### **Specification**

The Examiner has required a new title which has been provided in this Amendment. Entry of this new title is respectfully requested.

### **Claim Rejections under 35 USC §102**

Claims 1, 7 and 13 are rejected under 35 USC §102(e) as being anticipated by Ogino (U.S. Patent No. 5,852,467) (hereinafter Ogino '467).

The present invention is an image pickup apparatus in which movie images including sound are stored in a storage medium (10) until a predetermined amount of data is reached and then transferring the image data into non-volatile recording medium (11). While the transfer is taking place image data continues to be recorded in the storage medium.

Ogino '467 describes an image signal recording apparatus that determines whether the amount of image data stored in memory (6) has reached a predetermined amount (Step S27). If the amount of image data has reached the predetermined amount then a hard disk drive (11) is

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started and data is transferred from memory (6) to the hard disk drive (11). If another image is taken while image data is being transferred then the new image data is stored in memory (6) and then after the last image data previously stored is transferred then the newly taken image is transferred.

However, Ogino does not show the relationship between the timing of taking image and the timing of intermittently outputting data from a storage medium to a recording medium. Specifically, claims 1, 7 and 13 patentably distinguish over the prior art relied upon by reciting, as exemplified by claim 1,

“A method for recording image, comprising the steps of: storing image data continuously obtained by an image pickup operation in a storage medium; measuring the amount of the image data stored in the storage medium until reaching a predetermined amount of data; and recording each piece of the image data being continuously stored in the storage medium into a non-volatile recording medium, continuously, during the step of storing in the storage medium each piece of image data continuously obtained by the image pickup operation, after reaching the predetermined amount of data.” (Emphasis Added)

Therefore, withdrawal of the rejection of Claims 1, 7 and 13 under 35 USC §102(e) as being anticipated by Ogino (U.S. Patent No. 5,852,467) is respectfully requested.

### **Claim Rejections under 35 USC §103**

Claims 2, 8 and 14 are rejected under 35 USC §103(a) as being unpatentable over Ogino (U.S. Patent No. 5,852,467) (hereinafter Ogino '467) in view of Anderson et al. (U.S. Patent No. 5,867,214).

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Anderson et al. describes an image data identifier variable, an image data current location data field and a plurality of data cell "pointers" used to locate data cells. Contrary to the Examiners assertions Anderson et al. does not disclose the data length of images being stored. However, this data length may be easily computed from the pointers.

Claims 2, 8 and 14 are allowable by virtue of their dependence on allowable independent claims. Therefore, withdrawal of the rejection of Claims 2, 8 and 14 under 35 USC §103(a) as being unpatentable over Ogino (U.S. Patent No. 5,852,467) in view of Anderson et al. (U.S. Patent No. 5,867,214) is respectfully requested.

Claims 3, 4, 9, 10, 15 and 16 are rejected under 35 USC §103(a) as being unpatentable over Ogino (U.S. Patent No. 5,852,467) (hereinafter Ogino '467) in view of Ogino (U.S. Patent No. 5,633,976) (hereinafter Ogino '976).

Ogino '976 describes a still image camera in which image data is compressed by fixed length encoding prior to storage.

Claims 3, 4, 9, 10, 15 and 16 are allowable by virtue of their dependence on allowable independent claims. Therefore, withdrawal of the rejection of Claims 3, 4, 9, 10, 15 and 16 under 35 USC §103(a) as being unpatentable over Ogino (U.S. Patent No. 5,852,467) in view of Ogino (U.S. Patent No. 5,633,976) is respectfully requested.

Claims 5, 6, 11, 12, 17 and 18 are rejected under 35 USC §103(a) as being unpatentable over Ogino (U.S. Patent No. 5,852,467) (hereinafter Ogino '467) in view of Anderson et al (U.S.

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Patent No. 5,867,214) and further in view of Ogino (U.S. Patent No. 5,633,976) (hereinafter Ogino '976).

Again, Ogino '976 describes a still image camera in which image data is compressed by fixed length encoding prior to storage.

Claims 5, 6, 11, 12, 17 and 18 are allowable by virtue of their dependence on allowable independent claims. Therefore, withdrawal of the rejection of Claims 5, 6, 11, 12, 17 and 18 under 35 USC §103(a) as being unpatentable over Ogino (U.S. Patent No. 5,852,467) in view of Anderson et al (U.S. Patent No. 5,867,214) and further in view of Ogino (U.S. Patent No. 5,633,976) is respectfully requested.

#### **New Claims**

New claims 19-27 are added to this application. New claims 19-27 find support on page 22, lines 8-18 of the specification. New claims 19-27 are allowable for the reasons previously stated. Therefore, allowance of new claims 19-27 is respectfully requested.

#### **Conclusion**

In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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